

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

ROBIN JEAN DAVIS,

*Plaintiff,*

v.

JIM JUSTICE, Governor; ROGER HANSHAW, Speaker of the West Virginia House of Delegates; JOHN OVERINGTON, Speaker Pro Tempore of the West Virginia House of Delegates; DARYL COWLES, Majority Leader of the West Virginia House of Delegates; CHANDA ADKINS, GEORGE AMBLER, WILLIAM ANDERSON, MARTIN ATKINSON III, SAIRA BLAIR, BRENT BOGGS, JIM BUTLER, MOORE CAPITO, ROY COOPER, VERNON CRISS, MARK DEAN, FRANK DEEM, JOE ELLINGTON, PAUL ESPINOSA, ALLEN V. EVANS, ED EVANS, TOM FAST, MICHAEL FOLK, GEOFF FOSTER, CINDY FRICH, MARTY GEARHEART, DIANNA GRAVES, BILL HAMILTON, DANNY HAMRICK, JASON HARSHBARGER, KENNETH HICKS, JOSHUA HIGGINBOTHAM, JORDAN HILL, RAY HOLLEN, ERIC L. HOUSEHOLDER, GARY G. HOWELL, D. ROLLAND JENNINGS, JOHN R. KELLY, KAYLA KESSINGER, CHARLOTTE LANE, DANIEL LINVILLE, SHARON LEWIS MALCOLM, JUSTIN MARCUM, PATRICK MARTIN, ZACK MAYNARD, PAT MCGEEHAN, CAROL MILLER, RILEY MOORE, ERIC NELSON, JEFFREY PACK, TONY PAYNTER, RODNEY A. PYLES, BEN QUEEN, RALPH RODIGHIERO, MATTHEW ROHRBACH, WILLIAM R. ROMINE, RUTH ROWAN, JOHN SHOTT, KELLI SOBONYA, JOE STATLER, AMY SUMMERS, TERRI SYPOLT, JILL UPSON, DANNY WAGNER, GUY WARD, STEVE WESTFALL, BRAD WHITE, S. MARSHALL WILSON, MARK ZATEZALO, members of the West Virginia House of Delegates; STEVE HARRISON, Clerk of the West Virginia House of Delegates; RYAN FERNS, Majority Leader

Case No. 2:18-cv-01316

Hon. Thomas E. Johnston

**DECLARATION OF ROBIN JEAN  
DAVIS IN SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

of the West Virginia Senate; MIKE AZINGER, ROBERT D. BEACH, CRAIG BLAIR, GREG BOSO, CHARLES H. CLEMENTS, SUE CLINE, ROBERT L. KARNES, KENNY MANN, MIKE MARONEY, MARK R. MAYNARD, RICHARD OJEDA, PATRICIA RUCKER, RANDY SMITH, DAVE SYPOLT, TOM TAKUBO, JOHN R. UNGER II, RYAN WELD, MIKE WOELFEL, members of the West Virginia Senate; LEE CASSIS, Clerk of the West Virginia Senate,

*Defendants.*

I, Robin J. Davis, declare the following:

1. I am over 18 years of age and am competent to testify in this dispute if called as a witness.

2. I served the people of West Virginia as a Justice of the West Virginia Supreme Court for more than twenty years, from my initial election to the bench in 1996 until my retirement in August 2018.

3. On August 13, 2018, the West Virginia House of Delegates convened for hearings on Articles of Impeachment recommended by the House Judiciary Committee. In light of the impeachment hearings, I retired on August 13, 2018 to ensure that the people of West Virginia would not be deprived of their constitutional right to elect the Justices of the Supreme Court.

4. Over the past several months, multiple government agencies have investigated allegations against the Justices of the West Virginia Supreme Court. At all times, I have willingly given my full cooperation to every agency that has sought information from me. At no time did any Delegate or other representative of the House of Delegates request any information from me. The House did not request that I share any documentation concerning the allegations

of overspending and other mismanagement, nor did they ask me to testify concerning these issues.

5. One of the Articles of Impeachment, Article XIV, states that all four Justices remaining on the Court collectively violated Canons I and II of the West Virginia Judicial Code of Conduct by “failing to carry out one or more … necessary and proper administrative activities,” including adopting sufficient spending and reporting policies. On numerous occasions, I voted to improve reporting and accountability rules, but my vote did not prevail when a majority of Justices voted differently.

6. In addition, the proceedings in the House to date and the pending trial in the Senate have imposed significant personal and financial costs on me. My professional reputation has been irreparably harmed. I have also incurred significant costs for my defense to the impeachment charges, and I expect those costs to grow significantly if I am forced to defend myself in a trial before the Senate.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 2nd day of October, 2018, in Charleston, West Virginia.

/s/ Robin J. Davis  
Robin J. Davis